

ASSEMBLY BILL

No. 1238

Introduced by Assembly Member Fletcher

February 18, 2011

An act to amend Section 48354 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1238, as introduced, Fletcher. School districts: Open Enrollment Act.

Existing law, the Open Enrollment Act, authorizes the parent of a pupil enrolled in a low-achieving school, as defined, to submit an application for the pupil to attend a school in a school district other than the school district in which the parent of the pupil resides. Existing law sets forth a procedure for the submission of applications.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48354 of the Education Code is amended
2 to read:
3 48354. (a) The parent *or guardian* of a pupil enrolled in a
4 low-achieving school may submit an application for the pupil to
5 attend a school in a school district of enrollment pursuant to this
6 article.

(b) (1) Consistent with the requirements of Section 1116(b)(1)(E) of the federal Elementary and Secondary Education Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first day of the school year, or, if later, on the date the notice of program improvement, corrective action, or restructuring status is required to be provided under federal law, the district of residence shall provide the parents and guardians of all pupils enrolled in a school determined in subdivision (a) of Section 48352 with notice ~~of the~~ *that the pupils have the* option to transfer to another public school served by the school district of residence or another school district.

(2) An application requesting a transfer pursuant to this article shall be submitted by the parent *or guardian* of a pupil to the school district of enrollment ~~prior to~~ *before* January 1 of the school year preceding the school year for which the pupil is requesting to transfer. The school district of enrollment may waive the deadline specified in this paragraph.

(3) The application deadline specified in paragraph (2) does not apply to an application requesting a transfer if the parent *or guardian*, with whom the pupil resides, is enlisted in the military and was relocated by the military within 90 days ~~prior to~~ *before* submitting the application.

(4) The application may request *the* enrollment of the pupil in a specific school or program within the school district of enrollment.

(5) A pupil may enroll in a school in the school district of enrollment in the school year immediately following the approval of his or her application.

(6) In order to provide priority enrollment opportunities for pupils residing in the school district, a school district of enrollment shall establish a period of time for resident pupil enrollment ~~prior to~~ *before* accepting transfer applications pursuant to this article.